United Nations S/PV.6130

Security Council

Sixty-fourth year

Provisional

6130th meeting

Thursday, 28 May 2009, 10 a.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Du Xiaocong
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Heller
	Turkey	Mr. İlkin
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Bosnia and Herzegovina

Letter dated 13 May 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/246)

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09-35192 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 13 May 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/246)

The President (*spoke in Russian*): I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, the Czech Republic and Serbia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I request the Protocol Officer to escort His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to a seat at the Council table.

Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, was escorted to a seat at the Council table.

The President (*spoke in Russian*): On behalf of the Council, I extend a warm welcome to His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina.

At the invitation of the President, Mr. Palouš (Czech Republic) and Mr. Kruljević (Serbia) took the seats reserved for them at the side of the Council chamber.

The President (*spoke in Russian*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

It is so decided.

I invite Mr. Inzko to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members of the Council to document S/2009/246, containing a letter dated 13 May 2009 from the Secretary-General transmitting the thirty-fifth report of the High Representative for Bosnia and Herzegovina.

At this meeting, the Security Council will hear a briefing by His Excellency Mr. Valentin Inzko. This is the first appearance of Mr. Inzko in the Security Council as High Representative for Bosnia and Herzegovina. On behalf of the Security Council, I extend a warm welcome to him and wish him success in his important assignment. I now give him the floor.

Mr. Inzko: Thank you, Mr. President, for giving me the opportunity to present my first report as High Representative for Bosnia and Herzegovina. I have been in office just two months, but I will update the Council on significant events over the past six months. I will also outline my priorities.

Some progress has been made towards our objective of making Bosnia and Herzegovina a peaceful, viable State, irreversibly on course for European integration. Equally on the positive side, the country remains stable and the physical environment is secure.

On a less positive note, however, the State is not yet fully viable and its role and competencies are contested by some of its political leaders. As a result, recent progress towards Euro-Atlantic integration has been modest, and as a consequence, the country still requires high attention. Last week, United States Vice-President Biden and European Union (EU) High Representative for the Common Foreign and Security Policy Solana were in Bosnia and Herzegovina in an unprecedented joint visit.

The focus was extremely useful and warmly welcomed by the population. However, the poor performance on EU and transatlantic integration is deplorable, particularly as the world recession now also threatens the fragile economy of Bosnia and Herzegovina. The State and entities' successful negotiation of a €1.2 billion stand-by arrangement with the International Monetary Fund (IMF) revealed an

unusual degree of common purpose, but the reforms agreed with the IMF will have the desired result only if the authorities take appropriate and targeted steps. The Federation's finances are especially dire, and its capacity to agree upon and implement cuts in the face of strong vested interests is rather weak. The Republika Srpska of Bosnia and Herzegovina is, in this regard, for the time being, in a better position.

In these circumstances, it is clear that obstruction of urgent reforms that would help improve living conditions is absolutely unjustified on moral as well as political grounds. I will seek to keep this plain fact at the centre of public debate in Bosnia and Herzegovina. At the same time, I will seek a change in the political paradigm that downgrades practical and pressing economic issues and stresses instead a strident and unhelpful kind of posturing.

My predecessor reported last December on a highly hopeful development towards overcoming the political stalemate. This was the initiation, in November 2008, of the so-called Prud process of dialogue among leaders of the three largest national parties and coalition partners at the State level: Dragan Covic of the Croatian Democratic Community; Sulejman Tihic of the Bosniac Party of Democratic Action; and Milorad Dodik of the Serb Alliance of Independent Social Democrats. My Office and I have supported this process since it represents a home-grown political initiative for dialogue and cooperation.

Periodic meetings of the "Prud three" over a three-month period resulted in various compromise agreements and prospective agreements on major issues, ranging from the question of a State budget for 2009 to the promise to initiate talks on constitutional reforms and the early fulfilment of parts of the outstanding objectives and conditions set by the Peace Implementation Council (PIC) in February 2008 for the closure of my Office and its transformation into an EU-led presence.

Unfortunately, the Prud process lost momentum, and the three party leaders have not met on their own again since late March, though they have been brought together by the international community on a number of occasions, recently by the Ministers for Foreign Affairs of three successive EU presidencies — Ministers Bildt, Kouchner and Schwarzenberg — and then, last week, by United States Vice President Joe Biden and EU High Representative for the Common Foreign and Security Policy Javier Solana. On each occasion, the three leaders expressed their commitment to continuing their dialogue.

Foremost among the achievements facilitated by the Prud process has been the passage on 26 March of the first-ever amendment to the country's 1995 Dayton Constitution. This amendment defines the status of the Brcko District and provides it with direct access to the Bosnia and Herzegovina Constitutional Court in the event of any dispute with the State or entities. Not only was the enactment of such an amendment one of the five objectives set out by the PIC Steering Board as prerequisites for a transition from the Office of the High Representative to the EU Special Representative, it was also a condition for the Supervisor to do away with the Arbitral Tribunal and for the PIC Steering Board to terminate the supervisory regime. That could now happen soon.

Other positive news included the agreement among the State, entities and Brcko District on the budget framework for 2009, which enabled a relatively early adoption of the budget.

In addition, the National War Crimes Strategy was finally adopted in late December. This Strategy was part of the fifth objective — the entrenchment of the rule of law — set by the PIC to allow for the transition from the Office of the High Representative to the EU Special Representative.

Progress on the second objective — apportionment of State property — has been more limited, due to the inability of the Prud three to compromise on this issue. However, pressure on and cooperation with local actors has recently brought a first move forward in this area, with the initiation in late April of the long-delayed process of the inventory of State property, which provides the necessary legal framework. I would like to expressly thank Prime Minister Špirić for his efforts and input in this regard. We will focus, of course, in the weeks to come, on this issue to ensure its completion.

Notwithstanding the positive achievements that have been made, divisive rhetoric and official resolutions challenging the sovereignty, constitutional order and territorial integrity of Bosnia and Herzegovina all continued during the reporting period, principally on the part of Republika Srpska. That entity has, in official Government and National Assembly documents, on several occasions referred to the

possibility of unilateral self-determination. Its leaders have been in the forefront of attacks on the legitimacy of State institutions — judicial, prosecutorial, policing, economic, intelligence and defence — as well as in the forefront of efforts to reverse previous State-building and EU-mandated reforms. That is all taking place at a time when the State Investigation and Protection Agency has submitted a preliminary report to the State Prosecutor on possible financial wrongdoing by the Prime Minister. On 14 May, those attacks culminated in the adoption by the Republika Srspka National Assembly of conclusions that call for the return of 68 competencies allegedly stolen by the State.

The conclusions also undermine the legitimacy of the decisions of the Peace Implementation Council and the Office of the High Representative, as well as those of the previous High Representatives. I take that seriously, and I take people at their word. My basic role as High Representative is to uphold the Dayton Peace Agreement, at the centre of which is the sovereignty of the State and the competencies of its institutions. I will not let those be challenged.

That campaign has also blocked the passage of State legislation required to complete the EU's road map for the elimination of visas for Bosnia and Herzegovina citizens travelling to EU States. It has also for some time blocked other State legislation that would fulfil Bosnia and Herzegovina's obligations under the Stabilization and Association Process.

While Bosniak and Croat politicians have of late generally avoided wholesale attacks on Republika Srpska's legitimacy, it should be noted that Federation-based media have maintained an offensive stance towards the other entity.

As 2010 is a general election year, there is now only a small window of opportunity to start work on even minimal constitutional reforms, particularly if those are to entail any revisions of the election law, which they surely will. The positions of the main parties remain far apart, but the onus is now on them to engage in serious dialogue, and then reach agreements that reflect their EU aspirations and can secure a two-thirds majority in Parliament. I will assist them in my capacity as EU Special Representative. Do they have the capacity to succeed in this? I believe they do. Do they have the political will? Only they can answer that question.

Of the five objectives and two conditions set by the PIC for the transition of the Office of the High Representative into a reinforced office of the EU Special Representative, three objectives can now be considered as having been met. Two of them were completed during this reporting period. They are the constitutional amendment to secure completion of the Brcko Final Arbitral Award and the entrenchment of the rule of law through the adoption of a Bosnia and Herzegovina strategy for the domestic prosecution of war crimes, as well as action plans to implement a justice-sector reform strategy over the period 2009 to 2013. That leaves two unmet objectives, relating to acceptable and sustainable agreement on apportioning ownership of State property and defence property between the State and its entities.

My Office has long argued that, as a first step, the Council of Ministers should initiate an inventory of the property involved. The Council of Ministers eventually agreed to do so, for which I thank Chairman Špirić, and has set up a working group with a deadline of 30 September to complete the process. My aim is now to engage political leaders so that an appropriate solution can be found as quickly as possible.

The defence property issue is less complicated and less important to the political parties, but is nonetheless crucial to cementing defence reform and sustaining Bosnia and Herzegovina's hopes of joining NATO. We had previously assumed that a settlement would follow naturally. However, it now seems necessary to deal separately with the issue of what real estate the armed forces are to possess. The issue of surplus weaponry, ordnance and equipment has long been settled, at least in theory. My Office, together with NATO headquarters in Sarajevo, will now focus on quickly resolving the issue of military real estate and property.

Given the failure of domestic authorities to deliver on all five objectives set by the PIC Steering Board, the Board did not consider the issue of transition when it met in late March. While I can report that there has been progress on State and defence property issues, at this stage it appears rather unlikely that the Peace Implementation Council Steering Board will take a decision to close the Office of the High Representative when it meets in late June. However, I believe that the objectives and the conditions can be delivered before the PIC meeting in October. The PIC could then possibly be in a position to decide on the

closure of the Office and the transition to the EU's Special Representative.

Following the joint visit in April by the three EU presidency Foreign Ministers — Ministers Kouchner, Schwarzenberg and Bildt — the joint visit by Vice-President Biden and High Representative Solana on 19 May attested both to a strong common approach and the EU's seriousness about the need for a robust and tailor-made strategy for the future EU Special Representative in the country. Current domestic circumstances make such enhanced involvement by the EU and the wider international community essential. The vast majority of the citizens of Bosnia and Herzegovina continue to support Euro-Atlantic integration and the prosperity, security and self-respect it would bring. Although we have seen signs of progress, in general the nationalistic political dynamic routinely overrides popular sentiment. I will need the Council's support in countering that.

I have outlined the progress that we have made and the obstacles we have encountered. The fact is that there is progress, although it is slow, and we have reason to believe that the positive will win out over the negative. That is what the people of Bosnia and Herzegovina want and that is what we must continue to help them to achieve. As I said during a recent meeting with civic activists, the majority of citizens undoubtedly believe in doing what is necessary and right. That is the real majority in Bosnia and Herzegovina — not an ethnic majority but a majority of those who want to live in a free and prosperous country that is part of the European Union. I am on the side of that majority and I believe that it will prevail.

The President (*spoke in Russian*): I thank Mr. Inzko for his briefing.

I now invite His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to make a statement.

Mr. Špirić (Bosnia and Herzegovina) (*spoke in Bosnian; interpretation provided by the delegation*): May I first convey my warmest greetings to everyone and express my pleasure at having once again been given an opportunity to share my views with this body about the current situation in Bosnia and Herzegovina and the challenges we face. I would also like to avail myself of this opportunity to welcome the new High Representative, Mr. Valentin Inzko, who is the third High Representative during my time in office. I wish him a successful tenure, which would also redound to my country's success. This is also an opportunity for me to express my readiness to cooperate with his Office, thereby contributing to achieving the objective.

Despite different views as to the successes, impasses and failures of my country during the reporting period, I can agree that all of us in Bosnia and Herzegovina could and should have done more to make progress towards integration into the European Union (EU) and NATO at a faster pace. In order to do so, Bosnia and Herzegovina must have more confidence in itself and political leaders must work more and expect less. The much-needed compromise must be viewed as a virtue, not a weakness.

Guided by this idea, the Council of Ministers has been doing its best to ensure the progress of Bosnia and Herzegovina on its Euro-Atlantic road in an environment that, more often than not, has not been one of compromise, dialogue and consensus. Since December, we have held 19 sessions, two of which were thematic — one devoted to European integration and another devoted to NATO integration.

As regards our goal to attain full membership of the European Union, over the past period the Council of Ministers has focused on adopting laws and meeting the requirements of the action plan for the implementation of the European Partnership commitments, and we have discussed and adopted 37 bills and draft laws, eight of which are related to the European Partnership. We have also issued a number of decisions and strategies that, in practice, constitute the fulfilment of the European Partnership requirements.

Domestic authorities have been involved in implementing the Interim Agreement on trade and trade-related matters between the European Community and Bosnia-Herzegovina, which will remain in force until the full ratification of the Stabilization and Association Agreement. The quarterly report indicates that, as of 31 December 2008, all requirements for the period had been met in a timely manner and in line with the action plan adopted by the Bosnia and Herzegovina Council of Ministers. That trend continues in 2009.

As regards the liberalization of the visa regime for Bosnian citizens, we have focused on fulfilling the requirements as laid down in the road map. Of 174 requirements set forth in the document, we have fully met 149, 18 are being fulfilled, and 7 are still to be

met. I am well aware of the importance of this issue for Bosnian citizens, given the fact that we are behind other countries in the region in fulfilling the requirements, and that six crucial laws required for the visa regime liberalization have not received the necessary support within the Bosnia and Herzegovina Parliament. Therefore, at the penultimate session of the Council of Ministers, I tasked the State-level ministers with convening a mini-ministerial conference as soon as possible, to be attended by the responsible State and entity ministers, and with producing a harmonized wording of the said laws, which would subsequently be forwarded by the Council of Ministers to the Bosnia and Herzegovina Parliament in a summary procedure.

I expect that, when we return to Bosnia and Herzegovina, we shall be in a position to forward the new wording of the laws to Parliament and fulfil the remaining requirements for the visa regime liberalization. The messages that United States Vice-President Joseph Biden and the EU High Representative for Security Policy, Mr. Xavier Solana, sent during their recent visit to Bosnia and Herzegovina are strong encouragement on that path.

The White Schengen list for our citizens would certainly strengthen the European idea within Bosnia and Herzegovina and provide incentives to the forces that are unequivocally committed to those processes. The goal of our adoption of these laws is to send a clear message to Brussels that we are resolute, which gives us due cause to expect that the visa regime will be liberalized by the end of this year or possibly early next year. I hereby wish to urge Council members to encourage the European Commission to expedite its procedures and thus further strengthen the European perspective of Bosnia and Herzegovina.

With regard to Bosnia and Herzegovina's progress towards NATO, at its thematic session devoted to the issue the Council of Ministers discussed the level of implementation of the plan of action for the implementation of the Individual Partnership Action Plan for Bosnia and Herzegovina. The Action Plan is the most important document for Bosnia's further progress towards Euro-Atlantic integration. The level of Action Plan implementation, which has exceeded 85 per cent of the total of 291 activities, further corroborates the high level of success of Bosnia and Herzegovina in the process of acceding to NATO.

We have also focused on attaining the goals for Bosnian institutions set by the Steering Board of the Peace Implementation Council. In that respect, the Council of Ministers took the initiative to push forward the constitutional amendment related to the status of Brcko District, which was subsequently adopted by the vast majority of the members of the Parliamentarian Assembly. We have also adopted a strategy to reform our judiciary system and address war crimes, by which we have completed the goal related to the establishment of the rule of law.

In addition, we have issued a decision to establish the property census, which is a prerequisite for adopting the law and for the ultimate resolution of the issue. We are determined to fully attain the said goals so as to enable the Steering Board of the Peace Implementation Council to issue a decision in November to transform the Office of the High Representative into the Office of the European Union Special Representative.

Democracy, good governance and the rule of law cannot continue to develop within Bosnia and Herzegovina if the fundamental principles of democracy, good governance and the rule of law are not observed by the very international representatives who claim to seek their establishment. The State of Bosnia and Herzegovina and the entities have the legal and moral obligations to protect the rights of their citizens as set forth in their laws, constitutions and human rights instruments, and to adhere to general principles of international law and the rule of law. It is now time for the international community to end any support for peremptory powers in Bosnia and Herzegovina and instead to support the State of Bosnia and Herzegovina and the entities in the discharge of their legal and moral obligations.

The agreements that constitute the Dayton Accords, including the Bosnia and Herzegovina Constitution set forth in annex 4, are the legal instruments to which the relevant parties are bound as the framework for enduring peace and stability in Bosnia and Herzegovina. As a fundamental principle of international law and pursuant to Bosnian domestic law, these cannot be amended or modified except by further agreement of the relevant parties. The Security Council should support the Dayton Accords as the binding legal framework for Bosnia and Herzegovina. Attempts by foreign States or international organizations to impose a system of governance that is

inconsistent with the Dayton Accords through the exercise of peremptory powers or other methods will not be legally valid, and such actions would not have the support of Bosnia and Herzegovina citizens. The consensus on which the legitimacy of all Governments ultimately rests must come from within.

Bosnia and Herzegovina remains fully committed to full cooperation with the Hague Tribunal; hence, over the past period we have adopted a strategy to reform the judiciary system and address war-crime-related matters, as well as a decision to set up a supervisory authority for monitoring the implementation of the said strategy. Considering the importance of the issue of the return of refugees and displaced persons, we identified and adopted a revised strategy for the implementation of annex 7, which was subsequently adopted by the Parliamentary Assembly.

The issues of the global economic crisis and of mitigating its consequences in Bosnia and Herzegovina have dominated the past period. The establishment of the Bosnia and Herzegovina Fiscal Council and its efficient operation have led to a coordinated approach to the issue, which has resulted in successful negotiations with the International Monetary Fund. This example shows that when Bosnia and Herzegovina speaks with one voice, it is possible to reach agreement even on the most delicate issues. The goal of such a package is to preserve macroeconomic stability in the midterm and ensure further economic growth.

I take this opportunity to express my concern over the absence of a regional and European dimension in resolving this issue, as I am almost certain that Bosnia and Herzegovina, like any other State acting on its own, will not be able to address the challenges presented by the economic crisis. It is for this reason that I have launched an initiative before the Regional Cooperation Council secretariat, headquartered in Sarajevo, to found an investment bank for South-East Europe. Taking into account the economic challenges to the region, as well as the European Commission's announcement that the new strategy for the countries of South-East Europe will prioritize economic development and regional cooperation through joint projects, I believe that this is the right time to launch such an initiative.

As Council members know, Bosnia and Herzegovina is a country that has managed to fulfil various requirements, implement reforms and address difficult issues emerging on its European path, with varying success. I concur that this is the year in which we will have to face constitutional reform as a new challenge. It must go hand in hand with realistic goals, and its ultimate success will require us to ensure conditions in which civilized dialogue is possible. I deem of the highest importance the fact that such reform must be the fruit of internal dialogue and compromise based on the Dayton Peace Agreement.

The assistance of international institutions in the form of good advice is certainly more than welcome. Such assistance will certainly result in achievable constitutional reform. There are some who feel or hope that constitutional reform that will come through pressure or diktat from Washington, D.C., or Brussels. I believe that this approach would not only be a waste of time, but also lead to instability.

On an earlier occasion, I have had an opportunity to read the High Representative's report before the Council (see S/2009/246). Without seeking to qualify the report in any way, I note that no one is exclusively guilty or absolutely blameless for what has happened in Bosnia and Herzegovina, either before or after the Dayton Accords. Bosnia and Herzegovina and the international community must find a way to stop identifying scapegoats and turn to seeking better solutions. I am personally of the opinion that not only is Bosnia and Herzegovina a greater success than is reflected in the report, but also that there is greater optimism within the country that will bring us further success.

The President (*spoke in Russian*): I thank Mr. Špirić for his statement.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): At the outset, my delegation would like to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We would also like to welcome Mr. Valentin Inzko, the new High Representative for Bosnia and Herzegovina and Special Representative of the European Union. We are very grateful to him for his detailed report (see S/2009/246) and welcome his efforts to orient and coordinate initiatives related to the implementation of the Peace Agreement. We recognize a healthy dose of realism in his report, in which he recounts the positive advances and the current limitations in the situation in

Bosnia and Herzegovina. In that regard, my country would like to make the following specific observations.

First of all, it has not been easy to leave behind a conflict that cost so much sacrifice in human lives, nor has it been easy to create a multi-ethnic and multinational State. The Dayton Peace Agreement and all the subsequent agreements and declarations of the Steering Board of the Peace Implementation Council (PIC) are a solid, consistent framework that points an unambiguous way forward towards peace and political stability in Bosnia and Herzegovina.

Secondly, we are aware of the fact that it is hard to bring all positions into agreement towards the achievement of a political system and dynamic endorsed by all participants. But a way has been shown by political movements that have committed to dialogue, and there is a route leading to constitutional reforms to consolidate the democratic foundations and modernize the political structures of the country. Unilateral positions are not acceptable if they jeopardize the efforts made towards that end. Sensitivity and openness to dialogue must prevail in the attitudes of all political forces without exception.

We note with concern some pockets of resistance that complicate the job and mandate of the High Representative and imperil the decisions of the Peace Implementation Council. According to those decisions, there are five objectives and two conditions that must be met before the transition from the Office of the High Representative to the Special Representative of the European Union can be completed. My country is carefully monitoring compliance with these agreements and finds it advisable not to force the deadlines if the political conditions for this transition are not sufficiently mature. Respect for agreed institutions is indispensable. We urge the High Representative to redouble his efforts with all actors to establish a political climate that will facilitate the adoption of the necessary legislation before the 2010 elections and the constitutional reforms equally necessary to consolidate the stability achieved.

My delegation welcomes the adoption on 26 March 2009 of the first constitutional amendment since the Dayton Peace Agreement. It is a healthy sign of a system that values ethnic, cultural and political diversity.

We welcome the entrenchment of the rule of law in Bosnia and Herzegovina, which is one of the five goals set up by the Steering Board of the Peace Implementation Council. The firm commitment to the rule of law, and particularly in cases of war crimes, deserves special praise. The adoption of the War Crimes Strategy is welcome, as is cooperation with the International Criminal Tribunal. Transparency and cooperation with the Court and adherence to the principles of law are very important elements of the fight against impunity. In that vein, we would like to highlight our concern for human rights and the humanitarian aspects of the situation. We believe that the situation of refugees and internally displaced persons deserves special attention.

Mr. Shalgham (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I would like to welcome and thank Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. I join previous speakers in thanking Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing, and we wish him success in his duties.

Libya follows with great attention the ongoing political process in Bosnia and Herzegovina. We note that positive progress has been achieved in the recent period with the signing of a broad agreement between the leaders of the three principal political parties in the country on constitutional reform issues that have been long awaited. We also welcome the express readiness of the leaders of the political parties to agree on and move towards resolving the principal political issues, including the outstanding conditions and objectives that remain to be fulfilled before the transition from the Office of the High Representative to the European Union Special Representative can come into effect.

We also salute the adoption of the constitutional amendment incorporating the Brcko District into the Bosnia and Herzegovina Constitution, the adoption of a War Crimes Strategy, and the endorsement of the implementation action plans of the National Justice Sector Reform Strategy. We hope that such positive steps will continue to be taken so that Bosnia and Herzegovina can attain lasting stability. Undoubtedly, it is important at this stage to pursue the process of constitutional reform in Bosnia and Herzegovina on the basis of the principles of the Dayton Peace Agreement.

Despite the positive achievements that have been made in Bosnia and Herzegovina, we still have some concerns about the ongoing extreme nationalist rhetoric that casts certain problems in the country in a

maximalist light. Such nationalist ethnic attitudes could undermine the role of the State, delay progress in achieving reforms, and pose a challenge to the very foundation of the State, as defined in the Dayton Peace Agreement, and to the Constitution of Bosnia and Herzegovina. No one, we believe, can have any doubt that such nationalist rhetoric could reignite the conflict, thereby undermining stability in Bosnia and Herzegovina and the entire region.

Based on the foregoing, we appeal to all sectors of Bosnia and Herzegovina's population to live up to their political responsibility and find ways to coexist through dialogue, respect for the institutions of State and full cooperation with the High Representative. They should also abide by the obligations imposed on everyone under the Dayton Peace Agreement, the Paris Agreement and relevant Security Council resolutions.

We have no doubt that Bosnia and Herzegovina is confronting some difficult problems, and we believe that the only solution is to find agreement and a common vision for the future that is acceptable to all the citizens of Bosnia and Herzegovina within the framework of the Dayton Peace Agreement. We believe that would be the correct way to turn Bosnia into a stable country based on ethnic and cultural diversity and which would play a role in stabilizing the Balkans and achieving prosperity and sustainable development for all its citizens.

In conclusion, we emphasize that continuing to pursue perpetrators of war crimes and crimes against humanity and bringing them to justice will help heal the wounds and ease the pain of the recent past in Bosnia and Herzegovina and will help to achieve a better future.

Mr. Takasu (Japan): I express to Chairman Špirić a warm welcome to the Security Council this morning. I also wish to congratulate Mr. Valentin Inzko on his assumption of the position of High Representative for Bosnia and Herzegovina. Knowing personally his professional competence and deep knowledge of the region, I am convinced that Mr. Inzko will fulfil his responsibilities with distinction and will make a significant contribution to achieving stability in Bosnia and Herzegovina.

I am also grateful for the efforts made to prepare the comprehensive report (see S/2009/246) and for this morning's valuable briefing. We agree with the assessment that only limited progress was made during the reporting period. We acknowledge that some progress has been made regarding the five objectives and two conditions, including issues on the legal status of the Brcko District. However, the political situation has remained unstable due to continuing exchanges of ethnocentric rhetoric. We have serious misgivings about a failure of coordination among Government agencies and major political parties, which has left many issues unresolved. Japan believes that all parties should maintain a constructive attitude in order to develop Bosnia and Herzegovina into a vibrant and sustainable State.

We were somewhat disappointed to hear that the Prud process has lost momentum. We should extend full support to complete the Prud process. Continuation of that process is indispensable if Bosnia and Herzegovina is to become a full-fledged member of the European community. We urge all political leaders to accept that fact and to maintain active engagement in the process to address constitutional reform.

Japan continues to assist Bosnia and Herzegovina to achieve its integration into the Euro-Atlantic community. For that purpose, necessary progress has been made, including on implementation of the five objectives and two conditions and on the transition from the Office of the High Representative to the European Union (EU) Special Representative. High attention must be paid towards urging the international community to work as a strong driving force towards achievement of the Prud objectives.

The recent visits to Sarajevo by the EU troika of Foreign Ministers and by the EU High Representative for the Common Foreign and Security Policy and United States Vice-President Biden demonstrated the determination of the international community to jointly strengthen engagement in the region. We welcome those initiatives to advance the reform process and to stabilize the situation.

Consolidation of peace in the country is the cornerstone of peace and prosperity in the Western Balkan region as a whole. Japan believes that the human security perspective helps to consolidate coexistence, reconciliation and stability in a multi-ethnic society. Based on that belief, we have been actively contributing to community reconciliation, stability and development in Bosnia and Herzegovina, through bilateral programmes. We have also been an active member of the Peace Implementation Council

(PIC) Steering Board, since the beginning. Early this year, we decided to support a new project on demining in Banovici and processing war crimes cases, with a view to enhancing human security. We will extend additional support to Bosnia and Herzegovina in its efforts to establish a sound base for sustainable development and to consolidate peace.

In conclusion, the role of the High Representative will continue to be important in the light of the still-unstable situation. As a member of the PIC, we encourage Mr. Inzko to make full use of his authority as High Representative, including the exercise of his Bonn powers in the event that necessity so demands.

We urge Bosnia and Herzegovina to accelerate stabilizing efforts and its integration into the Euro-Atlantic community. I reiterate my country's firm and continued commitment to support Bosnia and Herzegovina in advancing that process.

Mr. İlkin (Turkey): Let me begin by extending a warm welcome to His Excellency Mr. Nicola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thanking him for participating in our debate today. The messages he gave are clear. I would also like to extend my congratulations to Mr. Inzko on his appointment as High Representative for Bosnia and Herzegovina. We wish him all success in his work. He can always count on my country's support and cooperation.

Allow me also to thank Mr. Inzko for his report (see S/2009/246). We welcome it, and we agree with its tone and content. Bosnia and Herzegovina occupies a distinct place on our foreign policy agenda. Considering ourselves a part of the Balkans and attaching great importance to the maintenance of peace, security and stability in the region, Turkey provides troops, civilian police and other experts to the European Union military mission in Bosnia and Herzegovina (EUFOR) and to the European Union Police Mission. And as a member of the Steering Board of the Peace Implementation Council, we follow the developments in Bosnia and Herzegovina closely and would like to see the country firmly integrated into European and transatlantic institutions at an early date.

To achieve all of that, consolidation of an effective, stable and viable State structure in Bosnia and Herzegovina, as foreseen in the Dayton Peace Accords, is essential. In this vein, we appreciated and supported all the efforts made by the leaders of the three political parties to establish trust and find common ground in order to carry out the reform agenda. At the same time, I would like to underline that we need to understand some of the concerns of the political parties that have not yet signed that Agreement.

In this vein, we encourage the three parties to seek broader agreement with all others and welcome the process as a sign of ownership of the future of the country. Indeed, initially there were some concrete outcomes, as the High Representative has informed us. Still, we are far from the end of the road, and further efforts are needed to tackle certain difficult issues. But we are afraid that momentum is being lost. What is even more important and worrying is the increase in nationalist, anti-Dayton rhetoric and actions, especially by the leaders and institutions of the Republika Srpska, that inevitably challenge the sovereignty, territorial integrity and constitutional order of the country.

As is well known, the Peace Implementation Council set five objectives and two conditions for the transition from the Office of the High Representative to the European Union Special Representative, about one and a half years ago. Let me underline that we do not want the Office of the High Representative to remain in Bosnia and Herzegovina forever — and that is clearly not the wish of the peoples of the country. However, for the Peace Implementation Council to make a positive assessment and to start the process of transition, the international community needs to be convinced that all in Bosnia and Herzegovina have a common vision for the future of the country.

That is not the impression we have at this moment. We do not yet see a country whose people and entities are fully united around the common goal of a peaceful, stable and prosperous State fully anchored within the Euro-Atlantic community of nations. What we see, rather, is a country of opposing views and divisions. Definitely, this is not the point that Bosnia and Herzegovina should have reached more than 14 years after the Dayton Agreement.

Time is of the essence for Bosnia and Herzegovina. We would very much like to see the reform process revived so that the five objectives and two conditions are completely fulfilled. We know that this can be done as long as there is the political will. In that respect, we call on all the leaders and authorities of Bosnia and Herzegovina to work and cooperate closely with the High Representative.

The peoples of Bosnia and Herzegovina have in the recent past shown their determination and resilience in putting an end to the conflict and setting up a partnership State. We are confident that they will also succeed in achieving those reforms. As has been the case in the past, Turkey remains ready to assist the people of Bosnia and Herzegovina, in any way it can, in achieving their aspirations.

Mr. Mayr-Harting (Austria): Let me first welcome the presence in the Council today of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. I would also like to extend a very warm welcome to my countryman and my friend of long standing, High Representative Valentin Inzko. He knows that he can count on Austria's full and continued support. Furthermore, we should also pay tribute to his predecessor, Mr. Miroslav Lajčák, whose activities are covered in much of the report before us today (see S/2009/246).

Prime Minister Špirić knows that Austria is and will remain a reliable partner of Bosnia and Herzegovina on its path towards lasting stability and European integration. We are convinced that the stability of Bosnia and Herzegovina is key for the realization of a broad zone of stability in the Balkans. The Prime Minister knows that we believe that membership of the European Union (EU) offers by far the best medium-term and long-term chance for a solution to most of the problems that we have heard about today.

Against this background, Austria hopes that the reforms necessary for the Euro-Atlantic integration of Bosnia and Herzegovina will be taken up again and brought to a successful completion. The political atmosphere currently prevailing in the country — nationalistic and divisive rhetoric, attacks that undermining State institutions and the territorial integrity of Bosnia and Herzegovina and challenges to the authority of the High Representative — will not serve that purpose. We appeal to all political leaders in the country to overcome the past and to give priority to what is really important for the future of Bosnia and Herzegovina: its European perspective, which is in the interests of all the citizens of the country.

Austria attaches great importance to the principle of Bosnian ownership. Lasting stability can be achieved only through efforts coming from within the country. In this respect, we believe that it is the principal role of the High Representative to support Bosnians' efforts in addressing their own pending problems: to help Bosnians help themselves. At the same time, we are aware that the High Representative has far-reaching powers at his disposal, and he has our full support in making use of them if that is warranted by the circumstances.

Austria fully supports the objective of a transition from the Office of the High Representative to a substantially reinforced presence of the European Union. Preparations for this step are well under way within the Union. We welcome the progress achieved so far by Bosnia and Herzegovina in delivering on the five objectives and the two conditions, including the recent decision on the Brcko District. The process of dialogue and compromise launched in Prud last year has significantly contributed to this progress, and we hope that increased efforts by all political leaders, but also a stronger will to find common ground, will make substantial progress possible. We also hope that the ongoing disagreements on the inventory working group for State property will be overcome soon, and that the group will be able to continue its work.

We welcome the progress achieved in strengthening the rule of law. The adoption of a war crimes prosecution strategy and the adoption of a justice sector reform strategy are important steps, and we look forward to their full implementation. Continued cooperation with the International Criminal Tribunal for the Former Yugoslavia, effective measures against those helping the remaining fugitives evade justice and the strict enforcement of sentences against convicted war criminals are crucial to promote justice and the rule of law.

The economic developments in Bosnia and Herzegovina outlined in the report give rise to concern. The seriousness of these challenges is further aggravated by the global economic crisis. These difficult issues have to be addressed in a concerted effort by all political actors across entities and ethnic affiliations.

Bosnia and Herzegovina and the other Western Balkan countries have the perspective of future membership of the European Union. Bosnia and Herzegovina took a major step on its European path when it signed a comprehensive Stabilization and Association Agreement with the European Union in 2008; this will enter into force once its ratification

process has been completed. The Agreement constitutes the legal framework for EU-Bosnia and Herzegovina relations until future membership.

Bosnia and Herzegovina and its Western Balkan neighbours are currently engaged in a dialogue with the European Union in order to achieve visa-free travel for their citizens in the countries of the Union. For that to become reality, the countries of the region must make substantial efforts in areas such as the security of documents, readmission and the fight against illegal migration. Austria will continue to strongly support those efforts. Austria is hopeful that Bosnia and Herzegovina will soon fulfil the conditions for visa liberalization, because that would also contribute to building a sustainable and strong security partnership with the European Union.

Finally, we share the assessment of the High Representative that the European Union military operation in Bosnia and Herzegovina (EUFOR) is still vital for the maintenance of a safe and secure environment in Bosnia and Herzegovina and that that operation continues to be a key reassurance factor in the country. As a troop contributor to the operation since its establishment, with some 110 troops currently serving within EUFOR, Austria is committed to maintaining that contribution.

Mr. Ripert (France) (*spoke in French*): I wish at the outset to welcome the new High Representative and to thank him for his statement this morning. We fully agree with his analysis of the situation in Bosnia and Herzegovina. I wish also to welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We take careful note of his reaffirmed intention to carry out the necessary reforms, and we encourage him to continue and step up his endeavours to that end.

The representative of the Czech Republic will soon make a statement on behalf of the European Union, and France naturally associates itself with that statement. I should like, however, to make some supplementary remarks in my national capacity.

Over the past 14 years, Bosnia and Herzegovina, with the support of the European Union, has carried out reforms that are essential for its stability and prosperity. In June 2008 it reached an important milestone by signing a Stabilization and Association Agreement with the European Union, which reasserted its commitment to joining the Union. Some encouraging progress has been achieved in recent months, notably the adoption of the constitutional amendment on Brcko District and the adoption of the War Crimes Strategy and the implementation action plan for justice sector reform. This progress was made possible by the spirit of compromise and dialogue that was initiated last November at Prud. From the outset, the European Union and France have supported the Prud process, which should continue and indeed be extended. We urge all Bosnian political actors to become part of the process and to participate fully.

At the same time, the High Representative has drawn our attention to some worrying developments. The increase in nationalist rhetoric, and actions and statements challenging the underlying structure of the State — whether directed against the sovereignty and territorial integrity of Bosnia and Herzegovina or against the existence of the Republika Srpska — are matters of grave concern. The political situation continues to be marked by a continuing lack of trust among the leaders of the three constituent peoples, which gives rise to tension and hampers progress in the country. We therefore call on the Bosnia and Herzegovina leadership to cease opposition to change and to work towards compromise on the main issues. Only a constructive attitude on the part of all Bosnian political actors will make it possible to move forward on reforms that will open the way for an evolving international presence, along with reforms that arise from European partnership.

I wish to assure the High Representative of our confidence in him and of our full support as he works to ensure respect for the Dayton-Paris accords, to promote the reforms that the country needs and to complete the transition from the Office of the High Representative to a European Union special representative with a strengthened mandate.

It is time to open a new chapter in the country's history, which requires that the objectives and conditions established by the Peace Implementation Council for the transition be fully met. Important progress remains to be accomplished to achieve that crucial stage. Notwithstanding the measures that still have to be taken, I would especially like to emphasize the urgency of overcoming the delay in the inventory and apportionment of State property. That is an essential point upon which we await progress over the coming weeks.

France supports the aspiration of the Bosnian people to rejoin the European Union. The future of Bosnia and Herzegovina and that of all the countries of the Western Balkans lies in Europe; that is the key to the stability of the region, to anchoring democracy in the region and bringing about its future prosperity, as the President of the French Republic, Nicolas Sarkozy, has stressed on several occasions in recent months. The High Representative referred to the joint meeting of the Czech, Swedish and French Foreign Ministers in April and to the visit of Javier Solana a few days ago, confirming the constancy of European Union commitment towards Bosnia and Herzegovina and its confidence with regard to its European future. Europe remains committed through the EUFOR-Altea operation and the European Union's police mission.

The course set is clear, but the tempo of Bosnia and Herzegovina's rapprochement with Europe depends on the country itself. The international community can help the Bosnian leaders to achieve that, and that is something towards which the High Representative is working energetically, but it cannot substitute for the efforts of Bosnia and Herzegovina. Bernard Kouchner has emphasized that there is no magic wand. It is for the Bosnians and their leaders, first and foremost, to be the actors in the reforms the country needs. That is work for a united Bosnia and Herzegovina that can be thoroughly integrated into the European Union.

Mr. Vilović (Croatia): Allow me first to extend our welcome to His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement. We also wish to welcome the High Representative and Special Representative of the European Union (EU), His Excellency Mr. Valentin Inzko, and to thank him for his briefing today, his first in his new role. I wish to assure him of Croatia's full support in his new position and wish him every success in fulfilling his mandate.

Croatia aligns itself with the statement to be delivered by the Czech Republic on behalf of the European Union. Here, I wish to make some additional comments.

In December 2008, when the Council was discussing the situation in Bosnia and Herzegovina with the then-High Representative, Miroslav Lajčák (6033rd meeting), we warned that despite some important progress that enabled Bosnia and Herzegovina to sign the Stabilization and Association Agreement with the European Union on 16 June 2008 — which was Bosnia and Herzegovina's first contractual relationship with the European Union — the situation in that country had slid under the radar and that new focus on the part of the international community was urgently needed.

Today we note that the report (S/2009/246) informs us that limited progress has been achieved in the implementation of reforms in Bosnia and Herzegovina, including those necessary for transition from the Office of the High Representative to the European office. We are concerned at the High Representative's assessment of the current situation in the country, where "anti-Dayton rhetoric challenging the sovereignty, territorial integrity and constitutional order ... has played the dominant role" in this reporting period, "despite an effort by the three political leaders to open a process of dialogue and compromise" (*ibid., annex, enclosure, summary, first paragraph*).

It has been our long-standing position that the impasse in Bosnia and Herzegovina can be overcome only through a comprehensive and inclusive dialogue that includes all three constituent peoples in the entire territory of the country. This is closely linked with the reforms needed to bring Bosnia and Herzegovina closer to the path of integration with the European Union and will also facilitate the fulfilment of the country's other international obligations. It is particularly important that the dialogue on constitutional reforms intensify under the reinvigorated and more focused guidance of the international community and with additional and firm support assured to the High Representative.

As we can see, Bosnia and Herzegovina is facing considerable problems. Some are challenging its very foundations as established by the Dayton Accords, especially territorial integrity, and can only have a detrimental effect on its future. However, by the same token, it should be stressed that any constructive engagement and any intention to improve the current situation and remedy the fundamental problems that support the territorial integrity of Bosnia and Herzegovina should be welcomed and encouraged.

On this point we wish to reiterate that the country's stability depends on respect for the equal rights of all three constituent peoples: Bosniacs, Bosnian Serbs and Bosnian Croats. We have stated on several occasions that there cannot be a Bosnia and Herzegovina without the Croats in Bosnia and

Herzegovina. Their political and cultural survival is vital for the future and survival of Bosnia and Herzegovina, as these two elements are closely intertwined.

One needs to keep in mind the particular situation of Croats in Bosnia and Herzegovina as the smallest and most vulnerable group of the country's three nations. Their voice must be considered on the basis of equality, both ethnic and civic, as guaranteed in the Constitution and as stemming from the history of the country. All three peoples — Bosniacs, Bosnian Serbs and Bosnian Croats — must feel that Bosnia and Herzegovina is their country, and they should feel safe and protected over its entire territory. Their fundamental rights and freedoms, as well as their civic and ethnic rights, should be protected throughout, as should be their right to return to their pre-war homes.

Another important factor in the normalization of the situation in Bosnia and Herzegovina is the fight against impunity for war crimes committed. We wish to stress that all fugitives from the International Criminal Tribunal for the Former Yugoslavia who are still at large must be arrested and transferred to The Hague as soon as possible.

Finally, Croatia has always supported the clear and unambiguous European perspective of Bosnia and Herzegovina. The future of all countries of Southeast Europe belongs in the European Union, and we will do our utmost to help our neighbours exercise this most beneficial option for their overall development. That is the biggest guarantee for sustainable peace, security and prosperity for all the countries and people of Southeast Europe.

Mr. Heller (Mexico) (*spoke in Spanish*): At the outset I wish to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina and European Union Special Representative, and to thank him for his briefing. As this is the first time he is participating in a Security Council meeting since taking office, we wish him every success in carrying out the work entrusted to him. We also wish to welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We very much appreciate his statement today.

In the almost 15 years since the signing of the Dayton Agreement Bosnia and Herzegovina has achieved significant progress on the difficult path towards national reconstruction and reconciliation. The citizens of the country, irrespective of their origin, are hoping for a future of stability, development and peace. That is why all the leaders of the country must redouble their efforts to ensure compliance with the pending commitments, maintain the path of dialogue and negotiation to settle disagreements and avoid actions that would imperil the stability and constitutional framework of the country. All that would be most acceptable to the international community.

The reforms that preceded the signing of the Stabilization Agreement with the European Union last June, the political accord signed in November by the leaders of the three communities and the reforms that made it possible for the Brcko District to be granted access to the constitutional court demonstrate that it is possible to achieve consensus on relevant topics and to promote an agenda of reform. Nevertheless, the High Representative notes that the political environment has obstructed the work of State institutions and has reduced the options for opening up the legislative agenda. In light of the foregoing, we appeal to all the parties to fully meet the five objectives and two conditions established for the transition from the Office of the High Representative to the European Union Representative, and we call upon them to cooperate fully with the High Representative.

We note with satisfaction the adoption of the National War Crimes Strategy and the implementation of action plans of the National Justice sector Reform Strategy. These are positive advances in enhancing cooperation with the International Criminal Tribunal for the Former Yugoslavia. In this regard, we would like to reiterate that all parties must continue to cooperate with the Tribunal in the effective discharging of its mandate and, in particular, provide any relevant information that would contribute to the arrest of the accused in the pending cases under its jurisdiction.

We are concerned that, over the past few months, a deterioration in freedom of expression has been noted, in particular through an increase in reports of incidents of aggression, death threats and other violations of the rights of journalists. The legal framework and the institutional structure must therefore be strengthened as regards the promotion of protection of human rights.

Another important aspect is compliance with annex 7 of the Peace Agreement, which concerns a strategy for the return of displaced persons and

refugees by supporting the reconstruction of housing and compensation for properties that cannot be restored to the original owners. The authorities of Bosnia and Herzegovina, with the support of the international community, must adopt the necessary measures to ensure the safe return of more than 100,000 displaced persons and refugees to their places of origin. This must be a central focus for national reconciliation efforts.

I would like to conclude by reiterating my country's support for the work of the High Representative and expressing the hope that Bosnia and Herzegovina will manage to overcome its differences and be able to build a democratic, multi-ethnic State, in which its citizens — along with those of the entire Balkan area — will enjoy a more stable and prosperous future as an integral part of Europe.

Mr. Du Xiacong (China) (*spoke in Chinese*): China thanks the High Representative, Mr. Inzko, for his briefing and appreciates his efforts to promote the political process in Bosnia and Herzegovina. I would also like to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to today's meeting and to thank him for his statement.

In the past year Bosnia and Herzegovina has continued to take positive steps in the field of constitutional reform, the entrenchment of the rule of law and ethnic harmony. The political process in the country has continued to move ahead.

However, there are still destabilizing factors in Bosnia and Herzegovina. The situation remains fragile and sensitive. We express our concern in this regard. China respects the sovereignty and territorial integrity of Bosnia and Herzegovina. We sincerely hope that all parties will commit themselves to long-term peace and stability in Bosnia and Herzegovina and the entire Balkan region and cooperate in good faith in accordance with the Dayton Peace Agreement to advance the political process by making further progress in the fields of government- and institution-building, the reform of public administration, constitutional reform and the entrenchment of the rule of law, with a view to securing lasting peace, stability and prosperity in Bosnia and Herzegovina.

China is pleased to see the prospects for the gradual integration of Bosnia and Herzegovina into the European Union. We believe the High Representative should continue his in-depth consultation with all parties, as mandated by the Dayton Peace Agreement, and prompt the political entities within Bosnia and Herzegovina to take constructive measures and act in unity in the process of joining the European Union so as to make significant headway.

Meanwhile, we also welcome the important role that the European Union continues to play in the maintenance of security and stability in Bosnia and Herzegovina and in the advancement of economic and social development in that country.

China will continue to support the High Representative in his efforts to carry out his mandate and is ready to join the rest of the international community in providing the necessary assistance to Bosnia and Herzegovina in order to achieve lasting peace, stability and development in that country.

Mr. Bui The Giang (Viet Nam): I would like to start by congratulating Mr. Valentin Inzko for his assumption of his position as High Representative for Bosnia and Herzegovina and wishing him every success in his important work. We thank him for his comprehensive report (see S/2009/246) and insightful briefing before the Council today. We also welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to the Council and thank him for his statement.

My delegation has closely followed the situation in Bosnia and Herzegovina during the reporting period. We therefore welcome the positive developments that Mr. Inzko has identified in his report, most notably the adoption by the Bosnia and Herzegovina Parliamentary Assembly of an amendment that incorporates the Brcko District into the Bosnia and Herzegovina Constitution and ensures its access to the constitutional court of the country. We acknowledge the progress that the authorities in Bosnia and Herzegovina have recorded in an effort to meet the five objectives and two conditions set by the Steering Board of the Peace Implementation Council (PIC) to expedite the transition from the Office of the High Representative to the European Union (EU) Special Representative.

However, we are deeply concerned about the mounting divisive and nationalistic rhetoric that challenges the sovereignty and constitutional order of Bosnia and Herzegovina and the actions and statements by some key actors that challenge the authority of the High Representative and the PIC Steering Board.

Given the overall fragile political situation of the country, we are preoccupied by the attempts by certain circles to keep rolling back previous reforms and undermine existing State-level institutions.

While reiterating the full support of Viet Nam for the independence, sovereignty and territorial integrity of Bosnia and Herzegovina, we also note with concern the recent attempt made by a certain institution to seek the right to secession. This, in our view, really casts doubt on its announced commitment to the rule of law and impedes further progress towards the building of a secure and stable multi-ethnic State. It also contravenes the Dayton Peace Agreement, which states that no entity has the right to secede from Bosnia and Herzegovina.

In the light of the ongoing political tension, it is important for the major political parties in Bosnia and Herzegovina to show their flexibility and willingness to compromise so as to make real progress towards important political issues. There is also a need for Bosnian political leaders to translate the 8 November agreement into concrete actions, including by addressing the integration of those displaced persons who cannot return and the issue of compensation for property that cannot be restored to owners. All that is even more essential in anticipation of next year's elections and potential ensuing problems, such as possible heightened nationalistic rhetoric and reduced space for compromise, to name just two.

Finally, we commend and support the important role of the High Representative in facilitating the implementation of the Dayton Accords and the adoption of the individual requirements set forth in the EU Partnership and its Stabilization and Association Agreement. Viet Nam remains fully committed to supporting the genuine common efforts of the international community contributing to building a secure, democratic and stable multiethnic State in Bosnia and Herzegovina.

Mr. Kafando (Burkina Faso) (*spoke in French*): I should first like to welcome the presence here today of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, whom we would also like to thank for his important statement. I should also like to thank Mr. Valentin Inzko, who has just assumed his new functions as High Representative for Bosnia and Herzegovina and Special Representative of the European Union, for introducing his report. We wish him every success in his office.

We would also like to welcome the progress that has been made in Bosnia and Herzegovina, in particular since the signing of the Prud Agreement. That reflects the willingness of political leaders to reach compromise, in particular in the area of constitutional and budgetary reform.

We nevertheless deplore certain extreme nationalistic attitudes, which could jeopardize the ongoing political momentum and even the very foundations of the State. My country therefore strongly supports every effort aimed at fully implementing the Dayton Agreement, as well as the steps taken to improve the functioning of State institutions. We urge all political actors to work to safeguard the territorial integrity of the country and to provide a secure and stable democratic future for their citizens.

Moreover, it should be possible to find a just solution to the issue of apportioning public goods between the State and the various entities. We are encouraged to note that the Council of Ministers has already begun that process.

We are concerned by the difficult economic situation in the country, which has been exacerbated by the world economic and financial crisis, whose effects threaten to undermine a political process that is already fragile as a result of political tensions. It is also urgent to increase economic integration among the country's main groups.

As we urge the international community to extend its technical and financial support to Bosnia and Herzegovina, we also call on the country's political leaders to facilitate the reforms necessary to improve good governance and the country's institutional capacity.

We welcome the efforts that have been made to entrench the rule of law, in particular the adoption, on 29 December 2008, of the Bosnia and Herzegovina War Crimes Strategy, as well as the implementation of the National Justice Sector Reform Strategy. Those developments should have an impact on cooperation with the International Criminal Tribunal for the Former Yugoslavia and, eventually, on dealing with various issues as the Tribunal concludes its work.

There are also other reforms under way that will have an impact in the economic, public administration

and defence sectors. We hope that the problems encountered in that regard will be speedily resolved so that the country can resolutely embark upon European integration and open itself up to even greater prospects.

Bosnia and Herzegovina must also make altogether more meaningful progress in respecting international human rights standards and press freedoms and in the treatment of refugees and minorities. Integration into European and international institutions will depend upon improvements in that regard.

In an unpredictable environment such as that in Bosnia and Herzegovina, cooperation with NATO and its Stabilization Force (SFOR), as well as between SFOR and European police, have been of crucial importance not only in properly implementing reforms in the defence and security sectors, but also and above all in ensuring national security. Given the many challenges that remain to be overcome, it is essential that the international community, including the Security Council, continue to support Bosnia and Herzegovina along the path of recovery and national reconstruction.

Ms. DiCarlo (United States of America): I would like to welcome back to the Council Prime Minister Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and to thank him for his comments today. I would also like to welcome High Representative Inzko and congratulate him on the assumption of his position. Let me take this opportunity to thank the High Representative and his staff for their hard work and dedication.

The United States is a friend of Bosnia and Herzegovina and supports the aspirations of the Bosnian people to enter Euro-Atlantic institutions. Our support was demonstrated by the joint visit this month of Vice President Biden and European Union High Representative Solana. When he addressed the Parliamentary Assembly of Bosnia and Herzegovina on 19 May, Vice President Biden expressed our commitment to assist the Bosnian people to achieve their dream. He also expressed our strong support for the Office of the High Representative. We reiterate those pledges today.

A good deal of progress has been made in Bosnia and Herzegovina since the conflicts of the 1990s. Prime Minister Špirić cited several examples today. But we do remain deeply concerned about the situation there. As the High Representative's report (see S/2009/246) makes clear, some leaders and political parties still pursue narrow ethnic interests and still espouse zero-sum nationalism. By doing so, they continue to impede progress on urgently needed reforms that would help all of the country's citizens.

Regrettably, we also continue to hear divisive rhetoric. Those who purvey it seek to challenge the High Representative's authorities, which have been confirmed by the Security Council, and even to threaten Bosnia and Herzegovina's sovereignty and territorial integrity, which is enshrined in the Dayton Peace Agreement. We are also witnessing efforts to undermine the very State institutions that must be strengthened if Bosnia and Herzegovina is to meet the challenges of modern statehood and advance towards membership in NATO and the European Union.

Let me cite one particularly egregious example — the 14 May conclusions of the Republika Srpska National Assembly, which falsely asserted that many of the authorities of the State of Bosnia and Herzegovina, including those explicitly granted by the Dayton Constitution, were somehow illegally obtained. As my Government noted when the Council met last December to discuss this issue, and as Vice President Biden said in his recent address to the Bosnian Parliamentary Assembly, the United States will stand behind the Office of the High Representative so long as it remains in Bosnia and Herzegovina. We will support the transition of the High Representative's Office to a European Union special representative once the five objectives and the two conditions of the agreed upon reform agenda have been completed. The Peace Implementation Council will consider statements and actions that serve to undermine the Bosnian State when it gauges whether the criteria for closing the Office of the High Representative have been met.

Ambassador Inzko's report rightly highlights a bright spot that has been seen since our last meeting — the enactment in March of the first amendment to the Dayton Constitution to protect the multi-ethnic nature of the Brcko District. The efforts that led to that amendment, which grew out of the Prud process, offer some cause for optimism, but while moving ahead with additional reforms. We hope that this initiative will translate as quickly as possible into actions that meet the outstanding 5+2 requirements set by the Peace Implementation Council.

The United States remains fully committed to peace and stability in Bosnia and Herzegovina, based on Dayton. We are also entirely committed to supporting reforms that will allow that country to achieve its aspirations for greater integration into the structures of Europe and the Atlantic alliance. We urge all Bosnian leaders to abandon the divisive nationalist politics that have brought such suffering and sorrow in the recent past, and we urge them to work across ethnic lines towards the reforms required to advance the goals that the people of Bosnia and Herzegovina share.

Sir John Sawers (United Kingdom): I join others in welcoming Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to our Council today, and thank him for his remarks. I should like also to join others in welcoming the new High Representative, Mr. Inzko, to the Security Council for the first time, and thank him for his report and briefing on the latest developments in Bosnia and Herzegovina, which, if I may say so, were admirably clear.

We note from the High Representative's report that there has been some progress against the five objectives and two conditions set by the Steering Board of the Peace Implementation Council (PIC) that, of course, have to be met ahead of the closure of the Office of the High Representative. The resolution of the Brcko Final Award, the adoption of the National War Crimes Strategy and the implementation of the National Justice Sector Reform Strategy are all welcome developments.

But overall, despite this, progress is slow. I am afraid it is too slow. Despite the signing of the Stabilization and Association Agreement last year, we remain concerned about the serious nature of the situation in Bosnia and Herzegovina. There have been a few signs of flexibility and compromise from some of the Bosnian leaders, notably developments in the Prud process. However, overall progress on reform has been disappointing. There are several areas where progress is badly needed and could easily be achieved if there were the necessary political will. I am thinking of such areas as visa liberalization, banking supervision, public procurement and State and defence property.

At this pace and in this atmosphere, it seems unlikely that the five objectives and two conditions can be met in time for a positive decision at next month's meeting of the Steering Board of the PIC. I hope that the leaders of Bosnia and Herzegovina understand that we are not going to negotiate on the five plus two conditionality. As the PIC Steering Board agreed in March, it is vital that all the five objectives be met and that the two conditions be fulfilled before we move to close the Office of the High Representative, and we would like to achieve that as soon as possible.

We appreciate the High Representative's efforts on facilitating progress against the remaining two objectives, and we are encouraged that the issues of State and defence property have seen some movement. We would ask the High Representative to continue his efforts. Mr. Inzko is representing the entire international community, and he has our backing even when he is making difficult decisions. Recent dynamics in Bosnia and Herzegovina, marked by unhelpful nationalist rhetoric, are making it an even more difficult context for his work.

The United Kingdom strongly supports Bosnia and Herzegovina's European perspective. We are determined to work with Bosnia and Herzegovina as partners, wherever possible, so that it can take its rightful place in Europe, along with other countries of the region. But if Bosnia and Herzegovina is to make decisive progress down the path to integration with the European Union (EU) and NATO — goals that Mr. Špirić set out again today — the political culture in Bosnia and Herzegovina needs to change. The country's leaders must take opportunities to seek common ground and recognize that ethnic maximalism only leads to deadlock and the failure to achieve collective aspirations.

Lastly, I wish to say just a word on the European Union. We are continuing to plan carefully for the EU presence after the Office of the High Representative is brought to an end. We shall need a robust mandate for that so that we are in the best possible position when the moment for transition arrives. I am encouraged by the progress that we have seen so far on the draft mandate. It is worth noting that the EU Special Representative will be the central point for the international community's engagement in Bosnia and Herzegovina, but I would also note that the continued participation of non-EU partners would help to strengthen its role.

Mr. Rugunda (Uganda): I welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers

of Bosnia and Herzegovina, and thank him for his statement. I also welcome Ambassador Valentin Inzko, High Representative and European Union (EU) Special Representative for Bosnia and Herzegovina, and thank him for his briefing.

We are encouraged by the progress that has been achieved towards meeting the requirements set by the Peace Implementation Council Steering Board for the transition from the Office of the High Representative to the EU Special Representative, particularly the adoption of a constitutional amendment incorporating Brcko District into the Constitution of Bosnia and Herzegovina. We welcome the progress that has been achieved in the area of entrenchment of the rule of law and acknowledge the efforts of the Bosnian authorities to establish the new State-level police bodies, as provided for in the police reform laws.

We note with appreciation that the European Union military mission (EUFOR) continues to play an important role in the overall security situation, in cooperation with local law enforcement agencies. We commend EUFOR for its support to the International Tribunal for the Former Yugoslavia and its cooperation with the Bosnian authorities on joint military affairs.

Uganda commends the High Representative for his efforts in facilitating implementation of the Peace Agreement. We urge all parties, including neighbours of Bosnia and Herzegovina, to uphold their commitments to the territorial integrity and sovereignty of Bosnia and Herzegovina in the spirit of good-neighbourliness and peaceful coexistence, as enshrined in the United Nations Charter.

We have noted the economic challenges facing Bosnia and Herzegovina, as reflected in the report. In particular, we are concerned about the funding deficit that has impeded the Government's capacity to cover its obligations. In addition, we are concerned about the registered unemployment rate, which was 41 per cent in late 2008 and appears to be rising. We call upon the authorities of Bosnia and Herzegovina to focus, with support from their international partners, on addressing this issue, which has serious implications for the stability of the country.

Finally, we are concerned about the situation of refugees and displaced persons. We call on the authorities to address their plight with a view to ensuring their early return and resettlement.

The President (*spoke in Russian*): I shall now make a statement in my capacity as representative of the Russian Federation.

We welcome the participation in today's meeting of the Security Council of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We listened carefully to his assessment of the current situation in his country.

We thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for the report (see S/2009/246) submitted to the Security Council on the development of events in that country. At the same time, we cannot agree with its overall tenor. The leitmotif of that document is one of persisting tension in Bosnia and Herzegovina and the inability of the Bosnian authorities to meet the challenges facing the country on their own. In our opinion, this assessment is not objective.

The report is unwarranted in relegating to the background an analysis of the dialogue among the three leading national political parties of the country, which — a fundamentally important factor — was launched at their own initiative. We feel that this trend is the most important in the period covered by the High Representative's report. Thanks to the constructive disposition of the three, breakthroughs have been achieved, including passage of the national budget through Parliament at record speed. The adoption for the first time of an amendment to Bosnia and Herzegovina's Dayton-mandated Constitution, definitively enshrining the status of the Brcko District pursuant to the Award of the Arbitral Tribunal, is a key indicator of the potential of the three to identify and implement compromise solutions.

Incidentally, the substantial progress registered recently in Bosnia and Herzegovina in the stabilization of the situation and the implementation of the Peace Agreement is graphically illustrated in the report of the Government of the Republika Srpska on the situation in Bosnia and Herzegovina. I note that, in February this year, the leadership of Republika Srpska brought that report to the attention of the members of the Security Council.

Too much attention is given in the report of the High Representative to harsh rhetoric, using descriptions such as "nationalistic" and "anti-Dayton", and in the process all the blame for it is placed on the Prime Minister of the Republika Srpska, Mr. Dodik.

Indeed he is sometimes wont to be outspoken, reacting to the unremitting attacks on the Dayton constitutional status of the Republika Srpska and persistent attempts to abolish it, particularly by the Bosniac leader, Mr. Siladjič. At the same time, the Serbian entity's leadership is not taking real actions that would run counter to Dayton. Furthermore, the Republika Srpska itself — if one considers its political, economic and social situation — is a factor of stability in Bosnia and Herzegovina, unlike the Federation. The report does not take account of this important aspect and emphasizes outside appearances.

We appeal to the High Representative to work closely with the leaders of the leading political parties in Bosnia and Herzegovina so that at the meeting of the Steering Board of the Peace Implementation Council (PIC) at the end of June in Sarajevo they can adopt a joint statement on commitment to Dayton and unconditional respect for its provisions. Such a step would shift the focus of the Bosnian parties away from sterile polemics towards the working out and implementation of specific steps to resolve the pressing financial and economic problems that Bosnia and Herzegovina is facing, which the High Representative rightly referred to in his report.

On the whole, we have developed the impression that the High Representative apparatus is largely operating by inertia and is not taking sufficient account of the fundamentally new trends that have become clearly apparent in Bosnia and Herzegovina in recent months. We expect Mr. Inzko to bring to the activities of his office more objectivity and impartiality and direct it towards the future.

Qualitative changes in the situation in Bosnia and Herzegovina have objectively increased the need for reforming the international presences in the country. Specifically, we are thinking of prompt implementation of the 5+2 formula adopted by the PIC Steering Board, that is, to resolve the only outstanding question of State property. We expect that by June of this year the Bosnian parties will have achieved agreement on the problems pertaining to military property. By the end of September, the process for apportioning State property among the different levels of authority will, on the whole, be completed. That will make it possible for the PIC Steering Board to take, no later than October, a definitive decision on the schedule for turning the High Representative apparatus into a Special Representative mission of the European Union.

We are ready for close interaction with the High Representative, all interested partners in the international community and the Bosnian parties in completing these tasks.

I now resume my function as President of the Security Council.

I now give the floor to the representative of Serbia.

Mr. Kruljević (Serbia): At the outset, I would like to express my respect for His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. I read very carefully the latest report of the High Representative contained in document S/2009/246 and listened to the statements made in the Council today.

As a neighbouring country and one of the guarantors of the Dayton Peace Agreement, Serbia continues to be committed to full respect for the Agreement as a basis for stability in Bosnia and Herzegovina and the whole region of the Western Balkans. My country fully respects Bosnia and Herzegovina as a sovereign State, with its two entities and three constituent nations.

One of Serbia's foreign policy priorities is development of good-neighbourly relations and a strong commitment to regional stability in the Western Balkans. Serbia is working actively to promote the stability of the entire region and considers respect for the territorial integrity and sovereignty of all States to be of vital importance in that regard.

Regional cooperation is a way to resolve differences through dialogue, not confrontation. We therefore support the participation of all United Nations Member States in Southeastern Europe in various regional projects and initiatives. We also welcome the continued participation of the United Nations Interim Administration Mission in Kosovo on behalf of our southern province of Kosovo and Metohija, in accordance with Council resolution 1244 (1999). Europe has become a regional unifying force. All of us share the same dedication to join the European Union. It is Serbia's central strategic priority.

As a signatory of the Dayton Agreement, Serbia fully respects its obligations and firmly believes that its consecutive implementation and strict compliance with

its provisions are of paramount importance. It is our view that the relations between the three constituent nations in Bosnia and Herzegovina should be dealt with by the international community with due attention and mutual respect. Any reform should be carried out in a way that it could contribute to Bosnia's path towards integration in the European Union.

Serbia supports all efforts towards stability, democracy and the social and economic prosperity of Bosnia and Herzegovina and welcomes all decisions and solutions that are the result of a democratic agreement between its three constituent nations — Serbs, Bosniacs and Croats.

I would also like to reiterate the importance of the commitment of all countries in the region to the universal values in the areas of the rule of law and human rights, as well as to respect for the Charter of the United Nations and the fundamental principles of international law. It is our firm belief that all those who perpetrated heinous crimes during the tragic conflict in our region must be brought to justice and that that is the moral and political duty of all countries that have been affected. Serbia continues to make efforts in that regard and towards full cooperation with International Criminal Tribunal for the Former Yugoslavia.

The President (*spoke in Russian*): I now give the floor to the representative of the Czech Republic.

Mr. Palouš (Czech Republic): I have the honour to speak on behalf of European Union (EU). The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania and Montenegro, as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

Let me start by welcoming the presence of His Excellency Mr. Valentin Inzko in his capacity of High Representative and Special Representative of the European Union and thanking him for his report (see S/2009/246) and briefing on the latest developments in Bosnia and Herzegovina. I would also like to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina.

Since the signing of the Stabilisation and Association Agreement between Bosnia and Herzegovina and the European Union a year ago, some progress has been made by Bosnia and Herzegovina. The European Union welcomes the adoption of an amendment to the Bosnia and Herzegovina Constitution providing Brcko District with access to the Bosnia and Herzegovina Constitutional Court. Further reform priorities, such as the National Justice Sector Reform Strategy, continue to be implemented. The National War Crimes Strategy was adopted in December 2008. The European Union also welcomes the provisional agreement between Bosnia and Herzegovina and the International Monetary Fund (IMF). We hope that the conditions set by the IMF will be implemented in a constructive manner and without delay, and that Bosnia and Herzegovina's authorities will take all necessary and effective measures to counter the repercussions of the global economic and financial crisis.

Despite some positive developments, many challenges remain. Nationalist, anti-Dayton rhetoric challenging the sovereignty, territorial integrity and constitutional order of Bosnia and Herzegovina undermines efforts of its political leaders to find common language and compromise. State institutions have made inadequate progress in relation to European Union reforms. Therefore, we call upon local political leaders to engage thoroughly and with stronger determination on the reform agenda in order for the country to make substantial progress towards EU accession. Membership in the EU of Bosnia and Herzegovina as a single and integral State remains the ultimate goal, which will serve the stability, reconciliation and the future not only of that country, but also of the whole region of the Western Balkans.

The European Union fully supports and is ready for the transition from the Office of the High Representative to the reinforced Office of the EU Special Representative, which includes increasing local ownership after the five objectives and two conditions set by the Peace Implementation Council Steering Board are met in full. We urge the Bosnia and Herzegovina authorities to maximize efforts to deliver the remaining objectives — the acceptable and sustainable solution to the state and defence property issues — and to achieve full compliance with the second condition: a positive assessment of the situation in Bosnia and Herzegovina based on full compliance with the Dayton Peace Agreement.

We also consider the full cooperation of Bosnia and Herzegovina with the International Criminal Tribunal for the Former Yugoslavia to be a priority, as

well as an important element in the country's association process with the European Union, in line with international law and relevant Security Council resolutions.

The European Union is actively involved in promoting stability in the whole Western Balkans region. The security situation in Bosnia and Herzegovina remains stable. EU-led police and military missions continue to provide reassurance and play an important stabilization role in the country.

The European Union remains committed to assisting Bosnia and Herzegovina to reach its ultimate goal of full integration into European structures. We fully support the work of the High Representative and EU Special Representative, Mr. Valentin Inzko, and his Office — and of Mr. Miroslav Lajčák before him — in their endeavours to help Bosnia and Herzegovina on the path towards European Union integration.

The President (*spoke in Russian*): I give the floor to Mr. Inzko to respond to the questions and comments raised.

Mr. Inzko: I wish to cordially thank you, Sir, and everybody for their support and for all of their input, ideas, suggestions, analysis and kind words of welcome to me in my new function. I also thank Council members for their offers to continuously cooperate with me and with my Office.

I also thank the Council for its support on the ground in Bosnia and Herzegovina, in the Peace Implementation Council, the Contact Group, the European Union military mission, the police mission and other configurations, including past European Union presidencies, the current Czech Presidency and the future presidencies of Sweden and Spain. I also thank all neighbouring States for their support.

As far as the statement of Prime Minister Špirić is concerned, two sentences caught my attention. First, Mr. Špirić said that imposing a system of governance by international organizations would not be legally valid. Secondly, he said that democracy and the rule of law cannot develop if principles of democracy and the rule of law are not observed by the international community.

Those are quite serious allegations, but believe me, I do not take it personally because I have been in Bosnia for only two months. But I must protect my predecessors — Carl Bildt, Carlos Westendorp, Wolfgang Petritsch, Lord Ashdown, Christian Schwarz-Schilling and Miroslav Lajčák — who did an excellent job based on the Dayton Peace Agreement and on the decisions of the Security Council, which gave full support to the implementation of the Dayton Peace Agreement. In that respect, I will not accept any challenges to the Dayton Agreement and I think this should stop. It is exactly such rhetoric and such allegations that have delayed the closure of the Office of the High Representative.

In any case, I am still optimistic and I think that based on the next meetings of the Peace Implementation Council at the end of June and in October, we will be able to report further progress.

The President (*spoke in Russian*): I thank Mr. Inzko for the clarifications he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.05 p.m.